

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

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|-------------------------------------|---|-----------------------|
| BRIAN P. KELLY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 08 C 2237 |
| |) | |
| P.O. ADAM STAPLETON, |) | Judge Lefkow |
| P.O. THOMAS A. ROLAND and |) | |
| P.O. JAMES P. GARRETT, individually |) | Magistrate Judge Keys |
| |) | |
| Defendants. |) | |

MOTION FOR LEAVE TO WITHDRAW AS ATTORNEYS OF RECORD

NOW COME Lisa Madigan, Attorney General of Illinois, and Assistant Attorney General Peter C. Koch, and hereby move this Honorable Court for leave to withdraw as counsel for defendant James P. Garrett and in support thereof state:

1. The Complaint in this action was filed on or about April 18, 2008. Defendant Garrett waived service of the Complaint and a response to the Complaint was initially due on or about August 20, 2008.
2. The Attorney General's Office received a request for representation from Defendant on or about July 14, 2008.
3. On August 14, 2008 movants filed an appearance on behalf of Defendant Garrett and moved for an extension of time to answer or otherwise plead to the Complaint in order to obtain additional time to review the allegations of the Complaint and to make a determination as to Defendant's request for representation.
4. On August 25, 2008 the Court granted the motion and gave Defendant Garrett until September 19, 2008 to respond to the Complaint.

5. In the meantime, the Attorney General's Office has determined that, as pled, the claims set out in the Complaint did not arise out of any act or omission occurring within the scope of Defendant Garrett's employment as an Illinois Parole Officer. Accordingly, the Attorney General's Office has determined that Defendant Garrett is not entitled to representation under the State Employee Indemnification Act, 5 ILCS 350/1 *et seq.*

6. Reasonable notice has been given to Defendant Garrett of movants' intention to seek leave to withdraw as counsel and of the September 19, 2008 date for responding to the Complaint. Notice has been provided verbally by the undersigned counsel in telephone conversations with Defendant Garrett and by letter dated August 26, 2008 sent by U.S. Mail and by certified mail – return receipt requested to Defendant Garrett's residence, the address of which is 1812 Candleberry Lane, Yorkville, Illinois 60560.

WHEREFORE, movants request that this Honorable Court enter an Order granting leave to Attorney General Lisa Madigan and Assistant Attorney General Peter C. Koch to withdraw as attorneys of record for Defendant James P. Garrett in this matter.

LISA MADIGAN
Attorney General of Illinois

/s/ Peter C. Koch

Peter C. Koch
Assistant Attorney General
100 W. Randolph Street, 13th Floor
Chicago, IL 60601
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pkoch@atg.state.il.us

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on August 27, 2008, he caused to be filed through the Court's CM/ECF system a copy of the foregoing Motion for Leave to Withdraw As Attorneys of Record. A copy of this Motion has also been served this same day by U.S. Mail and by Certified Mail – Return Receipt Requested to:

James P. Garrett
1812 Candleberry Lane
Yorkville, Illinois 60560

/s/ Peter C. Koch
Peter C. Koch
Assistant Attorney General
100 W. Randolph Street, 13th Floor
Chicago, IL 60601
(312) 814-6534
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